In the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Please cancel claims 1, 2, and 14-20 without prejudice.

Please amend claims 3-9 as follows:

Please add claims 21-31 as follows:

STATUS OF CLAIMS

Claim 1.

(Canceled)

Claim 2.

(Canceled)

- Claim 3. (Currently Amended) An isolated polynucleotide DNA of claim 21, wherein said DNA isolated polynucleotide comprises the nucleotide sequence from about 445 nucleotide position 1 to about 4152 in the sequence listing in Figure 1 nucleotide position 3958 of SEQ ID NO:15.
- Claim 4. (Currently Amended) An isolated polynucleotide DNA of claim 221, wherein said DNA isolated polynucleotide comprises the nucleotide sequence from about 193 nucleotide position 1 to about 4152 in the sequence listing in Figure 1 nucleotide position 3910 of SEQ ID NO:15.
- Claim 5. (Currently Amended) A vector comprising an isolated polynucleotide

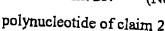
 DNA of claim 21.
- Claim 6. (Currently Amended) A vector of claim 5, wherein said vector is a plasmid or <u>a</u> virus.
- Claim 7. (Currently Amended) A nucleic acid construct comprising at least one isolated polynucleotide DNA of claim 21.
- Claim 8. (Currently Amended) A nucleic acid construct of claim 7, further comprising an effector gene, wherein said <u>isolated polynucleotide</u> DNA activates the transcription of said effector gene.
- Claim 9. (Currently Amended) A nucleic acid construct of claim 8, wherein said isolated polynucleotide DNA is upstream of the effector gene.

(Original) A nucleic acid construct of claim 9, wherein said effector Claim 10. gene is a stearoyl-CoA desaturase gene.

- (Original) A nucleic acid construct of claim 10, wherein said effector Claim 11. gene is human stearoyl-CoA desaturase gene.
- Claim 12. (Original) A host cell that comprises a nucleic acid construct of claim 7.
- Claim 13. (Original) A host cell that comprises a nucleic acid construct of claim 8.

Claims 14-20. (Canceled)

- Claim 21. (New) An isolated polynucleotide comprising the nucleotide sequence selected from the group consisting of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3958 of SEQ ID NO:15 or a variant thereof, wherein said variant comprises deletions, additions, insertions, and/or substitutions of from 1 to 50 bases of said sequence.
- Claim 22. (New) An isolated polynucleotide comprising the nucleotide sequence selected from the group consisting of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3910 of SEQ ID NO:15 or a variant thereof, wherein said variant comprises deletions, additions, insertions, and/or substitutions of from 1 to 50 bases of said sequence.
 - Claim 23. (New) A vector comprising an isolated polynucleotide of claim 22.
- Claim 24. (New) A vector of claim 23, wherein said vector is a plasmid or a virus.
- Claim 25. (New) A nucleic acid construct comprising at least one isolated polynucleotide of claim 22/



Claim 26. (New) A nucleic acid construct of claim 25, further comprising an effector gene, wherein said DNA activates the transcription of said effector gene.

Claim 27. (New) A nucleic acid construct of claim 26, wherein said DNA is upstream of the effector gene.

Claim 28. (New) A nucleic acid construct of claim 27, wherein said effector gene is a stearoyl-CoA desaturase gene.

Claim 29. (New) A nucleic acid construct of claim 28, wherein said effector gene is human stearoyl-CoA desaturase gene.

Claim 30. (New) A host cell that comprises a nucleic acid construct of claim 25.

Claim 31. (New) A host cell that comprises a nucleic acid construct of claim 26.